

SCHEDULE 1

Amendments to the Nursing and Midwifery Order 2001

Insertion of new article 39C

29. After article 39B (European Professional Card) insert—

“Visiting general systems nursing associates from relevant European States

39C.—(1) This article applies to an exempt person (“V”) who—

- (a) is lawfully established as a nursing associate in a relevant European State other than the United Kingdom (“State A”); and
- (b) seeks to provide, or is providing, services as a nursing associate in England of a kind which are provided, in England, by nursing associates admitted to the nursing associates’ part of the register.

(2) Paragraph (3) applies if V has the benefit of regulation 12 of the General Systems Regulations in connection with the provision by V of services as a nursing associate in England on a temporary and occasional basis (V having complied with any requirements imposed under Part 2 of those Regulations in connection with the provision by V of those services).

(3) V is entitled to be registered in the nursing associates’ part of the register and the Registrar shall give effect to the entitlement.

(4) If V is entitled under paragraph (3) to be registered, but is not registered in the nursing associates’ part of the register, V shall be treated as being registered in that part.

(5) V’s entitlement under paragraph (3) ceases if V ceases, whether as a result of the operation of regulation 24 of the General Systems Regulations or otherwise, to have the benefit of regulation 12 of those Regulations in connection with the provision by V of services as a nursing associate in England on a temporary and occasional basis.

(6) If—

- (a) V’s entitlement under paragraph (3) ceases by reason of the operation of paragraph (5); and
- (b) V is registered,

the Registrar may remove V’s name from the register.

(7) Paragraph (8) applies if—

- (a) V’s establishment in State A is subject to a condition relating to V’s practice as a nursing associate;
- (b) V’s name is registered in the nursing associates’ part of the register; and
- (c) for any of the purposes of this Order it falls to be decided whether V’s fitness to practise is or may be impaired on the ground of misconduct.

(8) The matters that may be counted as misconduct include (in particular) any act or omission by V during the course of the provision by V of services as a nursing associate in England on a temporary and occasional basis that is, or would be if the condition applied in relation to practice as a nursing associate outside State A, a breach of the condition.

(9) In paragraphs (7) and (8) “condition” includes limitation.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Nursing and Midwifery (Amendment) Order 2018 No. 838

(10) Paragraphs (1) to (6) are not to be taken to prejudice the application, in relation to registrants, of any other provision of this Order under which a registrant's name may be removed from the register or under which a registrant's registration may be suspended.”.